

Notice of Allowability

Application No.

09/736,555

Examiner

Freda A. Nelson

Applicant(s)

HOLLIS ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment and Declaration filed May 8, 2007.
2. ☒ The allowed claim(s) is/are 1,2,7-32,38-53 and 55-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/16/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Response to Amendment

The amendment received on May 8, 2007 is acknowledged and entered. Claims 1, 7, 22-24, 31, 38, 40, 55, 60-61, and 73 have been amended. No claims have been added. Claims 1-2, 7-32, 38-53, and 55-73 are currently pending due to examiner's amendment canceling claims 3-6, 33-37, and 54.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because The drawings are objected to because Fig 1 is not legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The Declaration filed on May 8, 2007 under 37 CFR 1.131 is sufficient to overcome the Thompson et al. (US Patent Number 6,810,401) reference.

The rejection under 35 USC 101 and 35 USC 112 have been withdrawn due to applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview on May 16, 2007 with Lucien Wayne Beavers (Reg. No. 28,183).

IN THE CLAIMS

Claims 3-6 (Canceled).

Claims 33-37 (Canceled).

Claim 54 (Canceled)

Allowable Subject Matter

Claims 1-2, 7-32, 38-53, and 55-73 are allowed.

The following is an examiner's statement of reasons for allowance:

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As per independent claims 1, 31, and 70-73, the prior art of record, specifically Abraham et al. (US Patent Number 5,570,292) and Applicant's Admitted Prior Art (AAPA) do not disclose or fairly teach:

- (a) uploading from the customer computer to the server computer system a pre-existing computer aided design (CAD) file describing a three-dimensional custom manufactured part originated by a customer;
- (b) analyzing the pre-existing CAD file on the server computer system to determine one or more manufacturing criteria for the custom manufactured part;
- (c) calculating in the server computer system a firm price quotation for the custom manufactured part based upon the one or more manufacturing criteria;
- and
- (d) transmitting the price quotation to the customer computer over the global communication network.

As per independent claim 52, the prior art of record, specifically Abraham et al. (US Patent Number 5,570,292) and Applicant's Admitted Prior Art (AAPA) do not disclose or fairly teach:

- (a) loading onto a computer system a pre-existing computer aided design (CAD) file describing a three-dimensional custom manufactured part of shape originated by a customer;
- (b) analyzing the pre-existing CAD file on the computer system without human intervention to determine one or more manufacturing criteria for the three-dimensional

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custom manufactured part;

(c) calculating in the computer system without human intervention a firm price quotation for the three-dimensional custom manufactured part based upon the one or more manufacturing criteria; and

(d) displaying the price quotation.

The NPL prior art of record, specifically, Protomold.com, while disclosing an online quoting system for custom plastic injection molded parts, does not disclose or fairly teach:

competitive and market analysis capabilities fails to disclose or fairly teach:

when a predicted price trend indicates that a future price will be lower than a current price for a desired airline flight, offering to sell an airline ticket for that desired airline flight to the customer at an offered price that is between the current price and the future price; and

when the customer accepts the offer, purchasing on behalf of the customer the airline ticket for that desired airline flight after the price drops below the offered price;

and when a predicted price trend indicates that a future price will not be lower than the current price for the desired airline flights, advising the customer that a future price will likely not be lower.

The foreign prior art of record, specifically, Uchida et al (JP 09160945) , while disclosing a device and method for estimating, fails to disclose or fairly teach:

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when a predicted price trend indicates that a future price will be lower than a current price for a desired airline flight, offering to sell an airline ticket for that desired airline flight to the customer at an offered price that is between the current price and the future price; and

when the customer accepts the offer, purchasing on behalf of the customer the airline ticket for that desired airline flight after the price drops below the offered price;

and when a predicted price trend indicates that a future price will not be lower than the current price for the desired airline flights, advising the customer that a future price will likely not be lower.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM –6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 5/16/2007

A handwritten signature in black ink, appearing to read "Arda A. Nelson". The signature is fluid and cursive, with the first name "Arda" being the most prominent part.A handwritten signature in black ink, appearing to read "Thomas A. Dixon". The signature is cursive and somewhat stylized, with the last name "Dixon" being the most prominent part.

THOMAS A. DIXON
CHIEF EXAMINER